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Our ref: PP_2010_GOSFO_002_00 (10/17157)
Your ref: 7991806 86.878 B McCourt:kjw

Mr Peter Wilson
General Manager
Gosford City Council
PO Box 21
GOSFORD NSW 2250

Dear Mr Wilson,

Re: Planning Proposal to rezone land at Karalta Road, Erina

I am writing in response to your Council's letter dated 6 August 2010 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Gosford Local Environmental Plan 2009 to rezone Lots 1 and 2 DP 259824, Lots 6 and 7 DP 1071636, Lot 13 DP 550325, Lot 1 DP 255797 and Lot 101 DP 1102271, Karalta Road Erina from E3 Environmental Management zone to R1 General Residential zone.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that Council proposed to require affordable housing, at a rate of 10%, by way of an encumbrance on title that is linked to the future progress of the planning proposal. In progressing this proposal, Council cannot mandate the provision of affordable housing as a condition of proceeding with the planning proposal. The Department supports the provision of affordable housing by way of negotiated outcomes, however the rate being sought by Council appears to be high if it has not been negotiated with, or agreed to with the landowners. The preferred mechanisms that the Department would support for the provision of affordable housing is by way of the Affordable Housing SEPP or a mutually agreed Voluntary Planning Agreement, and this may require Council to negotiate possible development bonuses in return for some affordable housing provision.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within twelve (12) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met. This is particularly relevant if Council is unable to negotiate an

agreed outcome on the issue of affordable housing, which causes delay in the LEP being able to be finalised.

Should you have any queries in regard to this matter, please contact Ben Holmes of the Regional Office of the Department on 02 4348 5000.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

6/10/10

Gateway Determination

Planning Proposal (Department Ref: PP_2010_GOSFO_002_00): to rezone Lots 1 and 2 DP 259824, Lots 6 and 7 DP 1071636, Lot 13 DP 550325, Lot 1 DP 255797 and Lot 101 DP 1102271 Karalta Road Erina from E3 Environmental Management zone to R1 General Residential zone.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Gosford Local Environmental Plan 2009 to rezone Lots 1 and 2 DP 259824, Lots 6 and 7 DP 1071636, Lot 13 DP 550325, Lot 1 DP 255797 and Lot 101 DP 1102271 Karalta Road Erina from E3 Environmental Management zone to R1 General Residential zone should proceed subject to the following conditions:

1. The explanation of provisions being varied to indicate that the planning proposal will amend the Gosford Comprehensive LEP.
2. Zone and development standard maps should be included at exhibition.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Environment, Climate Change and Water
 - NSW Rural Fire Service
 - Road and Traffic Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

6th

day of

October

2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning